

In re Appln. of: Udo Gross
Appln. No.: 10/018,398
Attorney docket: 740-X01-003

Group Art Unit: 1614

REMARKS

On May 25, 2004, Applicants properly filed a Request for Continued Examination (RCE), pursuant to 37 C.F.R. § 1.114, along with the fee required by 37 C.F.R. § 1.17(e).

By virtue of this 2nd Preliminary Amendment, a housekeeping change is made to claims 16 and 23 to correctly reflect the valences of the carbon atoms. In the presentation of the structural formula for the monomer, the right-hand carbon atom is shown in a way that could be misinterpreted as being shown with only three valences, instead of four. The notations R^1 and R_2 refer to the number of Rs present and not necessarily to different Rs, although they may be as the R for or at each position is independently selected from the group recited in the claims. Thus, R^1 means one R radical attached to its respective carbon atom, and R_2 means two R radicals attached to their respective carbon atom. A minor point perhaps, but it was felt desirable to present the monomer in a more appropriate fashion, and avoid any confusion. Prior to examination of the RCE application, entry of the above amendments is respectfully requested.

As previously stated, the term "treating" is sufficiently broad to cover placing an ophthalmologic agent into an eye, as stated in claims 16 and 23. As explained in paragraphs [0006] through [0009] of the specification of the instant application, the object of the invention is not to treat any particular disease of the eye, but is instead, to provide a pharmacological agent for a variety of purposes, such as a carrier of a variety of possible medicines, tear substitutes, liquid implants, as well as vitreous body substitutes and replacement of lenses (para. [0010]) to the eye, without the prior art disadvantage of damaging the eye due to long term application and penetration of the retina. Given the generally-known broad definition of "treat", the claims are now consistent with the disclosure in the specification of the instant application.

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No new matter has been added. It is respectfully requested that the claims, s
now presented, be approved and entered.

In light of the foregoing remarks, this application should be in condition for
allowance, and early passage of this case to issue is respectfully requested. If there are
any questions regarding this amendment or the application in general, a telephone call
to the undersigned would be appreciated since this should expedite the prosecution of
the application for all concerned.

The present application, after entry of this amendment, comprises fourteen (14)
claims, including two (2) independent claims. Applicants have previously paid for
twenty (20) claims including three (3) independent claims. Applicants, therefore, believe
that no fee is due with this submission. However, if a fee is due or overpayment owed,
the Commissioner is authorized to charge or credit the appropriate amount to Deposit
Account No. 500601 (Docket no. 754-X01-002).

Respectfully submitted,



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